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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Louis GUERET

Group Art Unit: 3751

Application No.: 10/620,809

Examiner: D. WALCZAK

Filed: July 17, 2003

Docket No.: 124370

For: DEVICE FOR PACKAGING AND DISPENSING A SUBSTANCE, IN PARTICULAR
A COSMETIC

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the July 28, 2005 Restriction and Election of Species Requirement, Applicant provisionally elects Group I, claims 1-62; Species I, Figure 1; and Sub-Species A, Figures 4 and 20, with traverse. At least claims 1-8, 11-23, 26-38, 41-53 and 56-62 read on the elected species and sub-species. Claim 32 is generic to all Species. Claims 1 and 62 are generic to at least Species I, II, IV and VI-IX.

It is respectfully submitted that the subject matter of all claims 1-65 is sufficiently related that a thorough search for the subject matter of any one Group of claims, species and sub-species would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions"

(emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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WPB:KLK/jfb

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